



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

September 23, 2013

Sunnyside Dairy, LLC  
4581 Maple Grove Rd  
Sunnyside, WA 98944-9793

**RE: Water Right Change Application No. CG4-30371P (YAKI-12-03)**

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Yakima County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

**Summary of Ecology's Final Order**

|   |                    |                    |   |             |        |      |         |
|---|--------------------|--------------------|---|-------------|--------|------|---------|
| MAXIMUM CUB FT/ SECOND                                      | MAXIMUM GAL/MINUTE | MAXIMUM ACRE-FT/YR | TYPE OF USE, PERIOD OF USE  |             |        |      |         |
|   | 300*               | 159                | 156 acre-ft/yr* for dairy operations and 3 afy continuous group domestic supply for 2 homes and dairy facilities. 55 gpm non-additive and 20 afy non-additive for continuous industrial use at Winery Site in Section 14 as described below.<br>* At the end of the development schedule, the Dairy will be entitled to perfect up to these quantities, less amounts transferred to the industrial supply purpose (Winery), and less 2% of the amount transferred to the Winery which is associated with the increase in ACQ from 98% at the Dairy to 100% at the Winery. |             |        |      |         |
| SOURCE  |                    |                    | TRIBUTARY OF (IF SURFACE WATER)   |             |        |      |         |
| Five (5) wells – Four at Dairy Site and One at Winery Site. |                    |                    |   |             |        |      |         |
| PARCEL NO.  | ¼                  | ¼                  | SECTION   | TOWNSHIP N. | RANGE  | WRIA | COUNTY. |
| <u>Dairy Site</u>   |                    |                    |   |             |        |      |         |
| 22100221401   | W½                 | SW                 | 35  | 11N         | 22 EWM | 37   | Yakima  |
| various   | W½                 | SW                 | 02  | 10N         |        |      |         |
| 22100314401, 402  | SE                 | NE                 | 03  | 10N         |        |      |         |
| <u>Winery Site</u>  |                    |                    |   |             |        |      |         |
| 23101442001   | N½                 | SE                 | 14  | 10N         | 23 EWM |      |         |

FILE COPY





AT A POINT LOCATED:  
PARCEL NO.

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

Dairy Site

NW¼ Section 2, T. 10 N., R. 22 E.W.M.

AND Within Section 35, T. 11 N., R. 22 E.W.M.:

That portion of SW¼ lying southerly of southerly Roza Canal right-of-way.

AND All that part of the S½SE¼ of Section 35, lying South of the South right-of-way line of Roza Canal and west of a line described as: Beginning at the Southwest corner of the SW¼SE¼ of said Section 35; thence North 01°30' West along the West line of said SW¼SE¼ a distance of 21.32 feet; thence North 22°41' East to the Southerly right-of-way line of the Roza Canal.

Except county road right of ways.

Yakima County Parcel No. 22100221401.

Winery Site

A parcel of land located in the North ½ of the Southeast ¼ of Section 14, Township 10 North, Range 23, E.W.M., records of Yakima County, Washington, more particularly described as follows:

Commencing at the ¼ corner common to Sections 13 and 14, Township 10 North, Range 23 E.W.M.; thence North 89°29'24" West along the North line of the Southeast ¼ of Section 14 and the centerline of Holmason Road 1333.60 feet; thence South 00°30'36" West 25.00 feet to point of beginning being on the South boundary of the North 25 feet conveyed to Yakima County, Washington, under Auditor's File Number 1495544;

thence South 17°36'42" East 358.43 feet;

thence South 25°12'43" East 52.38 feet;

thence South 46°15'25" West 912.28 feet;

thence North 27°59'59" West 1165.83 feet to the South boundary of the North 25 feet conveyed to Yakima County, Washington, under Auditor's File Number 1495544;

thence South 89°29'24" East along said South boundary 1075.67 feet to the point of beginning.

Situated in Yakima County, State of Washington.

Yakima County Parcel No. 23101442001.

|            |   |   |            |             |        |
|------------|---|---|------------|-------------|--------|
| PARCEL NO. | ¼ | ¼ | SECTION    | TOWNSHIP N. | RANGE, |
| See above. |   |   | See above. |             |        |

DEVELOPMENT SCHEDULE

|                             |                                |  |
|-----------------------------|--------------------------------|--|
| BEGIN PROJECT BY THIS DATE: | COMPLETE PROJECT BY THIS DATE: | WATER TO PUT TO FULL USE BY THIS DATE: |
| Begun                       | December 31, 2017              | December 31, 2018                      |

Ecology has **MODIFIED** the decision of the Board as follows:

- 1) The Board's decision has been modified as noted in the table above.
- 2) The last sentence of the paragraph under the Annual Consumptive Quantity Analysis on page 7 of the ROE is STRICKEN from the ROE. No spilling of water or deep



percolation for the purpose of "returning" water will be permitted. The sentence is REPLACED as follows:

In order to compensate for the increase in ACQ associated with the added industrial purpose of use (Winery), the Dairy will refrain from pumping 2% of the total annual volume pumped by the Winery. For example, in the scenario where the Winery uses the full 20 acre-ft/year, the Dairy may pump no more than 138.6 acre feet under this water right (139af less 2% of 20af = 138.6 af).

3) Provision number 9 on page 14 of the ROE is STRICKEN and REPLACED as follows:

To compensate for full consumption of the 20 acre-feet at the winery, the dairy shall refrain from pumping 0.4 acre-ft./yr. (2% of 20 acre-feet) under CG4-30371P. The permittee shall demonstrate compliance with the consumptive use limit as part of the annual metering submittals. This provision shall apply annually while the industrial supply purpose is authorized and in use.

4) The following provisions are added to the Provisions section:

All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.



**ADDRESS AND LOCATION INFORMATION**

| Street Addresses  | Mailing Addresses  |
|---|--|
| <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey WA 98503 | <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia WA 98504-7608 |
| <b>Pollution Control Hearings Board</b><br>1111 Israel Road SW, Ste 301<br>Tumwater WA 98501            | <b>Pollution Control Hearings Board</b><br>PO Box 40903<br>Olympia WA 98504-0903                       |

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>  
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

Mark Kemner, WR Section Mgr by

*Large PM*

Mark Kemner, LHG, Section Manager  
Water Resources Program  
Central Region Office

MK:MD:ss/130932

Enclosures: Your Right to Be Heard  
Construction Notice  
Water Measurement Requirements & Form 1

By Certified Mail: 7010 0290 0000 7131 3136

cc: Mark Dunbar, Department of Ecology, Central Region Office (email pdf)  
Sylvia Cervantes, Yakima County Conservancy Board  
Philip Rigdon, Director Natural Resources Division Yakama Nation